

STATUS OF CLAIMS

Claims 33-48 are pending in the Application.

Claims 33-48 are rejected by the Examiner.

REMARKS

Claim Rejections Based On Double Patenting

Claims 33-48 have been rejected on the ground of obviousness-type double patenting over claims 1-30 of U.S. Patent No. 6,670,345 (the “’345 Patent”). Further, claims 33-48 have been provisionally rejected on the ground of obviousness-type double patenting over claims 1-51 of copending Application No. 10/634443.

Applicant respectfully submits that there is no unjustified extension in time of the “right to exclude” granted by the ‘345 Patent or copending application number 10/634,443, because the current Application and the two references cited by the Examiner all claim priority to the same application, 09/404,429. Because each case has the same priority date from which its patent term is or will ultimately be determined, the patent term of each case will end at the same time.


Nevertheless, Applicant herein encloses a terminal disclaimer to obviate the double patenting rejection over the ‘345 Patent and a terminal disclaimer to obviate the provisional double patenting rejection over copending Application No. 10/634443.

CONCLUSION

Wherefore, Applicant believes he has addressed all outstanding grounds raised by the Examiner and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited. Should there be any questions or other issues related to this response, the Examiner is cordially invited and respectfully requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,

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